

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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JAGUAR CARS, A Division of the Ford Motor  
Company,

Civ. No. 03CV12532RGS

Plaintiff,

- against -

LEE IMPORTED CARS, INC.,

Defendant.

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**JAGUAR'S MOTION FOR (1) SUMMARY JUDGMENT ON ITS  
DECLARATORY JUDGMENT CLAIM AND (2) PARTIAL  
DISMISSAL OF DEFENDANT'S COUNTERCLAIMS**

Jaguar Cars, a Division of the Ford Motor Company ("Jaguar") hereby moves (i) pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1 for summary judgment with respect to Jaguar's request for a declaratory judgment that it may add a Jaguar dealership in Norwood, Massachusetts without incurring liability to Defendant Lee Imported Cars, Inc. ("Lee"); and (ii) pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss Lee's Counterclaims for failure to state a claim upon which relief can be granted (or in the alternative for summary judgment under Rule 12(b)) dismissing the Counterclaims) to the extent the Counterclaims seek relief by reason of Jaguar's establishment of the Norwood point.

In support of this motion, Jaguar relies on the accompanying Memorandum, the Statement of Material Facts Not in Dispute, and the Declaration of George Delaney and exhibits attached thereto.


**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1, Jaguar hereby respectfully requests that the Court schedule oral argument on the foregoing Motion.

Dated: New York, New York  
February 27, 2004

Respectfully submitted,

KIRKPATRICK & LOCKHART LLP

By:   
Sarah C. Kellogg (BBO# 637530)  
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Boston, Massachusetts 02109

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Attorneys for Jaguar Cars, a Division of the  
Ford Motor Company

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)**

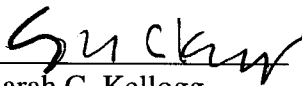
I hereby certify that on February 26, 2004, John J. Sullivan, Esq. conferred with Jason A. Manekas, Esq. and attempted in good faith to resolve or narrow the issue presented by the foregoing.

  
Sarah C. Kellogg

**CERTIFICATE OF SERVICE**

I, Sarah C. Kellogg, hereby certify that on February 27, 2004, a true and correct copy of the foregoing Jaguar's Motion for (1) Summary Judgment on its Declaratory Judgment Claim and (2) Partial Dismissal of Defendant's Counterclaims, accompanying Memorandum of Law and the Declaration George D. Delaney were served by hand on the following:

Jason A. Manekas, Esq.  
Bernkopf, Goodman & Baseman LLP  
125 Summer Street, Suite 1300  
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Sarah C. Kellogg